

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:14-cv-00169-MR-DLH**

**MYKHAILO RADCHYSHYN,**

**Plaintiff,**

**VS.**

**ALLSTATE INDEMNITY  
COMPANY,**

**Defendant.**

## ORDER

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss [Doc. 4] and the Magistrate Judge's Memorandum and Recommendation [Doc. 6] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On August 19, 2014, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's Motion. [Doc. 6].

The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Plaintiff's claim for unfair and deceptive trade practices under Chapter 75 of the North Carolina General Statutes should be dismissed.

### **ORDER**

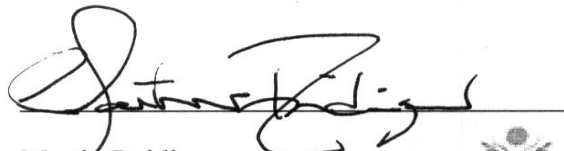
**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 6] is **ACCEPTED**.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Dismiss [Doc. 6] is **GRANTED**, and the Plaintiff's Chapter 75 claim is hereby **DISMISSED**.

**IT IS FURTHER ORDERED** that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and file a certificate of such conference within seven (7) days thereafter.

**IT IS SO ORDERED.**

Signed: September 8, 2014

  
Martin Reidinger  
United States District Judge

